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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SEAMOUNT INTERNATIONAL	:	06 CV 5648 (LTS)
ASSOCIATION LTD.,	:	
	:	
Petitioner,,	:	
	:	
- against -	:	
	:	
KUEHNE & NAGEL LTDA.,	:	
	:	
Respondent..	:	
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**DECLARATION OF RADOSLAV MIHOK IN SUPPORT OF RESPONDENT'S
SUPPLEMENTAL MEMORANDUM OF LAW IN OPPOSITION TO SEAMOUNT'S
PETITION TO COMPEL ARBITRATION**

RADOSLAV MIHOK declares under penalty of perjury under the laws of the United States of America that the following is true and correct:

1. I am the President of Kuehne + Nagel (South America) Management S.A. As President, I am responsible for Kuehne + Nagel's operations in South America and I am personally familiar with the Kuehne + Nagel subsidiaries and companies that operate in the region. I make this declaration in support of Respondent's Supplemental Memorandum of Law in Opposition to Seamount's Petition to Compel Arbitration. I am personally familiar with the facts and circumstances set forth below.



2. Kuehne + Nagel Ltda. (Brazil), the entity named by Seamount as Respondent in this matter, was incorporated into a company named Kuehne + Nagel Servicos Logisticos Ltda. ("KN Servicos Logisticos") in November 2003. Kuehne + Nagel Ltda. (Brazil) no longer exists and has not operated for several years.

3. There are two other companies in South America which use the name Kuehne + Nagel Ltda. -- one in Chile and one in Bolivia. These companies are incorporated in their respective countries and are not, and have never been, a part of Kuehne + Nagel Ltda. (Brazil) or KN Servicos Logisticos. Neither of these entities was in any way involved with Seamount or the current dispute. Attached as Exhibit A are copies of the company's corporate certificates.

4. KN Servicos Logisticos is a corporation organized under the laws of Brazil and it has its principal place of business in Sao Paulo. KN Servicos Logisticos does not transact business, have an office, have employees, own property, have an agent for service of process or have bank accounts in either New York or the United States. Indeed, I do not believe that Seamount is claiming that KN Servicos Logisticos does business in New York or the United States.

5. There have been a number of improper attachments of electronic funds belonging to Kuehne + Nagel Ltda. (Chile) and Kuehne + Nagel Ltda. (Bolivia). None of the funds attached by Petitioner in any way belong to KN Servicos Logisticos or the old Kuehne + Nagel Ltda. (Brazil). All of the funds restrained by Citibank N.A. belong to the Chilean company.

6. The funds attached on August 9, 2006 in the amount of EUR 18,266.43 (Peterson Decl. ¶¶ 6-7) were a payment to Kuehne + Nagel Ltda. (Chile) from that company's client Minera El Abra. These funds are not connected to KN Servicos Logisticos or Seamount in any way. Attached as Exhibit B are copies of the supporting invoices.

A large, stylized handwritten mark, possibly a signature or initials, located in the bottom right corner of the page. It consists of a large, sweeping loop that ends in a small, sharp hook.

7. The funds attached on August 17, 2006 in the amount of EUR 18,430.48 (Peterson Decl. ¶¶ 8-9) were a payment to Kuehne + Nagel Ltda. (Chile) from that company's client Minera El Abra. These funds are not connected to KN Servicios Logísticos or Seamount in any way. Attached as Exhibit C are copies of the supporting invoices.

8. The funds attached on September 12, 2006 in the amount of \$6,000 (Peterson Decl. ¶ 10) were a payment to Kuehne + Nagel Ltda. (Chile) from that company's client Tulsa S.A. These funds are not connected to KN Servicios Logísticos or Seamount in any way. Attached as Exhibit D are copies of the supporting invoices.

9. The funds attached on September, 2006 in the amount of EUR 2,184.95 (Peterson Decl. ¶¶ 11-12) were a payment to Kuehne + Nagel Ltda. (Chile) from that company's client Minera El Abra. These funds are not connected to KN Servicios Logísticos or Seamount in any way. Attached as Exhibit E are copies of the supporting invoices.

10. The funds attached on October 26, in the amount of \$3,864.75 (Peterson Decl. ¶ 13) were again a payment to Kuehne + Nagel Ltda. (Chile) from that company's client Minera El Abra. These funds are not connected to KN Servicios Logísticos or Seamount in any way. Attached as Exhibit F are copies of the supporting invoices.

11. The funds attached on October 26, 2006 in the amount of \$350 (Peterson Decl. ¶¶ 8-9) were a payment to Kuehne + Nagel Ltda. (Chile) from that company's client Minera Candelaria. These funds are not connected to KN Servicios Logísticos or Seamount in any way. Attached as Exhibit G are copies of the supporting invoices.

12. I have been advised by Kuehne + Nagel Ltda. (Bolivia) that funds were attached on December 4, 2006 in the amount of \$5,913.39 by Wachovia Bank. These funds were a payment to the Bolivian company from its client Nortel. These funds are not connected to KN



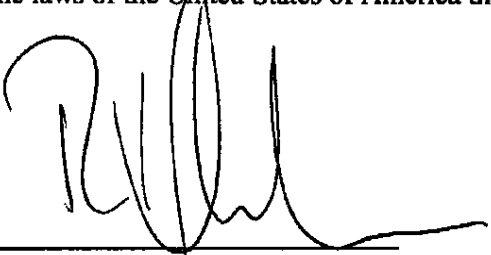
Servicos Logisticos or Seamount in any way. Attached as Exhibit H are copies of the supporting invoices. Petitioner did not identify these funds in its submission.

13. I am concerned that other funds have been attached that we do not know about. I am told that Petitioner claimed that funds were attached by HSBC Bank but we have not been provided with any documentation of any such attachment.

DECLARATION PURSUANT TO 28 U.S.C. § 1746

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on December 14, 2006
Buenos Aires, Argentina



RADOSLAV MIHOK